



physically by various unknown persons and entities within the government of New Zealand. Plaintiff makes passing reference to matters he has filed in New Zealand courts, however, with little to no explication relating thereto, and with an absence of information as to how such grievances apply to this Court. Additionally, he generally claims human rights violations, however, he fails to explain the alleged violations or explicitly state any viable cause of action. As drafted, the complaint fails to meet the minimum pleading standard set forth in Rule 8(a).

Further, plaintiff is suing the country of New Zealand. But, “in a suit involving a foreign state, a plaintiff must satisfy subject matter jurisdiction under the FSIA [Foreign Sovereign Immunities Act] before the court can reach claims under the [ATCA].” *Soudavar v. Islamic Republic of Iran*, 67 Fed. App’x 618, 619-20 (D.C. Cir. 2003) (per curiam). The FSIA is the “sole basis for obtaining jurisdiction over a foreign state in our courts.” *Argentine Republic v. Amerada Hess Shipping Corp.*, 488 U.S. 428, 434 (1989). “The FSIA provides generally that a foreign state is immune from the jurisdiction of the United States courts unless one of the exceptions listed in 28 U.S.C. § 1605(a) applies,” *Roeder v. Islamic Republic of Iran*, 646 F.3d 56, 58 (D.C. Cir. 2011) (citation and internal quotation marks omitted), or an existing international agreement provides otherwise, *Peterson v. Royal Kingdom of Saudi Arabia*, 416 F.3d 83, 86 (D.C. Cir. 2005). *See* 28 U.S.C. § 1604 (conferring foreign state immunity “[s]ubject to existing international agreements to which the United States is a party at the time of enactment of this Act”). “Claims against foreign sovereigns that do not fall within the ambit of an FSIA exception are barred.” *Simon v. Republic of Hungary*, 812 F. 3d 127, 141 (D.C. Cir. 2016) (citation and internal quotation marks omitted). And waivers of sovereign immunity must be clear and unequivocal. *See United States v. Nordic Village, Inc.*, 503 U.S. 30, 34 (1992).

Plaintiff's complaint does not satisfy jurisdiction under the FSIA. Plaintiff makes a passing reference to waiver (*See* Compl. at 4, ¶ 3), he does not at all explain how New Zealand has waived its right to sovereign immunity, nor provide any facts or justification for waiver, nor any applicable exception.

The plaintiff's complaint is difficult to follow and is insufficient under the pleading requirements of Rule 8(a) of the Federal Rules of Civil Procedure. In addition, the complaint simply fails to satisfy jurisdiction under the FSIA. As a result, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

DATE:

4/11/18



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United States District Judge